IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

Crl.MC.No. 5054 of 2003()

CC.641/2003 of JUDL.MAGISTRATE OF FIRST CLASS, NADAPURAM

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PETITIONER: 2ND ACCUSED

DR.PRAKASH RAPHEL, MALABAR CLINIC,
VALAYAN.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS: COMPLAINANT & STATE

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1. THE SUB INSPECTOR OF POLICE, VALAYAM.

2. STATE OF KERALA REP.BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA, ERNAKULAM.

3. SAMIR,S/O. MAHAMEED, PADINJEERATIL HOUSE
BHOOMIVATHUCKAL, VALAYAM P.O.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 06/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.M.C.No.5054 of 2003

Dated this the 6th day of September, 2007

O R D E R

The petitioner who is the second accused in C.C.No.641/03 in the file of JFCM, Nadapuram with respect to the offence under Section 201 IPC has sought for getting quashed the proceedings.

2. The prosecution case is that the accused failed to issue wound certificate with respect to the first accused and instead issued a certificate disclosing a different ailment. I find that this is not a fit case for invoking Section 482 Crl.P.C. All the same, the petitioner may apply for discharge before the court below. Counsel for the petitioner has sought for direction to the court below granting exemption from personal appearance considering the fact that the petitioner is a doctor. Petitioner is directed to apply before the court below for the exemption and the court may consider the application.

The M.C. is dismissed.

K.R.UDAYABHANU,
JUDGE

csl